

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| BUNN ENTERPRISES, INC., <i>et al.</i>, | : | |
| | : | |
| Plaintiffs, | : | Case No.: 2:13-cv-00357 |
| | : | |
| v. | : | |
| | : | JUDGE: ALGENON L. MARBLEY |
| OHIO OPERATING ENGINEERS | : | |
| FRINGE BENEFIT PROGRAMS¹ | : | Magistrate Judge: Terence P. Kemp |
| | : | |
| Defendant. | : | |
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**PLAINTIFFS' REPLY IN OPPOSITION TO DEFENDANT OHIO OPERATING
ENGINEERS MOTION TO VACATE ORDER SETTING HEARING ON MOTION**

Pursuant to Judge Marbley's April 25, 2013 Order Granting In Part And Denying In Part Plaintiffs' Motion For Temporary Restraining Order Plaintiffs, Bunn Enterprises, Inc. ("Bunn"), Kevin W. Bunn ("K.W. Bunn"), Delbert G. Newlon ("Newlon"), Daniel J. Lantz ("Lantz"), Mark A. Morgan ("Morgan"), Michael S. Schau ("Schau") and David E. Welch ("Welch") (hereafter "Plaintiffs") and Defendants participated in a May 2, 2013 preliminary injunction hearing.

At the conclusion of the hearing Honorable Judge Algenon L. Marbley announced that the Temporary Restraining Order would remain in place until he issued his ruling on the preliminary injunction Hearing. Both Defendants and Plaintiffs agreed. The Court has not yet issued its decision. Accordingly, Plaintiffs respectfully request that this Court deny Defendants' Motion to Vacate Order Setting Hearing on Motion. The Temporary Restraining Order should

¹ Plaintiffs Amended their Complaint to, among other things, include the proper name of the Defendants.

remain in place, as previously agreed to by all parties, until this Court issues its ruling on the preliminary injunction hearing.

Dated this 11th day of June, 2013.

Respectfully submitted,

/s/ Ronald L. Mason

Ronald L. Mason (0030110) (Trial Attorney)

Aaron T. Tulencik (0073049)

Mason Law Firm Co., L.P.A.

425 Metro Place North, Suite 620

Dublin, Ohio 43017

t: 614.734.9450

f: 614.734.9451

rmason@maslawfirm.com

atulencik@maslawfirm.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2013, I electronically filed the foregoing with the clerk of Court using the CM/ECF system which will send notification of such filing to all counsel registered to receive electronic notices.

/s/ Aaron Tulencik

Aaron Tulencik (0073049)